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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,471	12/15/2000	Peter M. Black	600189-186	9663

76041 7590 04/14/2008

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EXAMINER	
FRENEL, VANEL	
ART UNIT	PAPER NUMBER
3687	

MAIL DATE	DELIVERY MODE
04/14/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/738,471	BLACK ET AL.	
	Examiner	Art Unit	
	VANEL FRENEL	3687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 January 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *25-28,30,33,37 and 46-50* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *25-28, 30, 33, 37 and 46-50* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the Correspondence mailed on 01/10/08. Claims 25-28, 30, 33, 37 and 46-50 are pending.

2. Applicant's arguments filed on 01/10/08 have been persuasive, therefore the previous Office Action has been withdrawn and a new Office Action is hereby presented.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 25-28, 30, 33, 37 and 46-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al (2002/0022963) in view of Makuch et al (6,330,592) and further in view of Shapira et al. (6,925,442).

(A) As per claim 25, Miller discloses the method wherein the selected file is at least one of a link, a document, and or a thumbnail (See Miller, Page 11, Paragraphs 0141-0143).

(B) As per claim 26, Miller discloses the method further comprising:

receiving notice of a user request for the web page, said user request being received after the execution of said selecting (See Miller, Page 11, Paragraphs 0144-0146).

(C) As per claim 27, Miller discloses the method wherein said parsing comprises: performing a statistical word frequency analysis of the content to discover the one or more keywords (See Miller, Page 13, Paragraph 0186).

(D) As per claim 28, Miller discloses the method wherein analyzing at least one metatag in the web page to discover the one or more keywords (See Miller, Page 11, Paragraphs 0139-0142).

(E) As per claim 30, Miller discloses the method wherein said analyzing is executed to detect a plurality of contexts for the web page, and wherein said selecting is executed to select a plurality of products corresponding to the plurality of contexts, the method further comprising: ranking the plurality of contexts and the plurality of products (See Miller, Page 11, Paragraphs 0153-0155).

(F) As per claim 33, Miller discloses the method wherein said

analyzing is executed to detect a plurality of contexts for the requested web page, and wherein said selecting is executed to select a plurality of products corresponding to the plurality of contexts, the method further comprising:

contexts, the method further comprising: ranking the plurality of contexts and the plurality of products, such that said displaying is executed to display the plurality of products in accordance with the ranking (See Miller, Page 11, Paragraphs 0153-0155).

(G) As per claim 37, Miller discloses the method further comprising: receiving notice of a user request for the web page, said user request being received prior to the execution of said analyzing or said selecting (See Miller, Page 13, Paragraphs 0188-0192).

(H) As per claim 46, Miller discloses a computer implemented method of selecting at least one file representing at least one product, the file relating to a web page on the World Wide Web (See Miller, Page 17, Paragraph 0250), the method comprising:

receiving the web page having content therein (See Miller, Page 8, Paragraph 0098; Page 9, Paragraph 0110);

Miller does not explicitly disclose that the method having using a statistical analysis of the web page content.

However, this feature is known in the art, as evidenced by Makuch. In particular, Makuch suggests that the method having using a statistical analysis of the web page content (See Makuch, Col.5, lines 61-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Makuch within the system of Miller with the

motivation of categorizing content in a website and associating viewed categorized content with a user to develop a visitor profile (See Makuch, Col.3, lines 27-30).

In addition, Miller and Makuch do not explicitly disclose analyzing the web page to detect a context for the web page; selecting at least one file representing at least one product related to the detected context.

However, these features are known in the art, as evidenced by Shapira. In particular, Shapira suggests analyzing the web page to detect a context for the web page (See Shapira, Abstract; Col.1, lines 27-41); selecting at least one file representing at least one product related to the detected context (See Shapira, Abstract; Col.1, lines 27-41).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Shapira within the collective teachings of Miller and Makuch with the motivation of allowing an Internet business owner a way to track the value of visitors who visit the web site (See Shapira, Col.2, lines 36-38).

(I) As per claim 47, Miller discloses the method of claim 46, wherein said analyzing comprises:

parsing the content of the web page to discover one or more keywords published as part of the content (See Miller Page 11, Paragraph 0145); and

evaluating the one or more keywords to detect the context (See Miller, Page12, Paragraph 0161).

(J) As per claim 48, Miller discloses the method wherein said evaluating comprises: comparing the one or more keywords with a synonym to detect the context (See Miller Page 12, Paragraph 0161).

(K) As per claim 49, Miller discloses a method of selecting and displaying at least one file representing at least one product, the file relating to a web page on the World Wide Web (See Miller, Page 11, Paragraphs 0151-0153), the method comprising:

receiving notice of a user request for a web page (See Miller, Page 13, Paragraphs 09191-0193);

receiving the requested web page having content therein (See Miller Page 8, Paragraph 0098; Page 9, Paragraph 0110);

producing a second page including the requested web page and the file (See Miller, Page 11, Paragraph 0153); and

displaying the second page to the user (See Miller, Page 11, Paragraph 0153).

Miller does not explicitly disclose that the method having using a statistical analysis of the web page content.

However, this feature is known in the art, as evidenced by Makuch. In particular, Makuch suggests that the method having using a statistical analysis of the web page content (See Makuch, Col.5, lines 61-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Makuch within the system of Miller with the

motivation of categorizing content in a website and associating viewed categorized content with a user to develop a visitor profile (See Makuch, Col.3, lines 27-30).

In addition, Miller and Makuch do not explicitly disclose analyzing the requested web page to detect a context for the requested web page; selecting at least one file representing at least one product related to the detected context.

However, these features are known in the art, as evidenced by Shapira. In particular, Shapira suggests that the method having analyzing the requested web page to detect a context for the requested web page (See Shapira, Abstract; Col.1, lines 27-41); selecting at least one file representing at least one product related to the detected context (See Shapira, Abstract; Col.1, lines 27-41).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Shapira within the collective teachings of Miller and Makuch with the motivation of allowing an Internet business owner a way to track the value of visitors who visit the web site (See Shapira, Col.2, lines 36-38).

5. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al (2002/0022963) in view of Shapira et al. (6,925,442).

(A) As per claim 50, Miller discloses a computer readable storage medium including computer executable code for selecting at least one file representing at least one product, the file relating to a web page on the World Wide Web, the code enabling the steps of:

receiving the web page (See Miller Page 8, Paragraph 0098; Page 9, Paragraph 0110).

Miller does not explicitly disclose analyzing the web page to detect a context for the web page; and selecting at least one file representing at least one product related to the detected context.

However, these features are known in the art, as evidenced by Shapira. In particular, Shapira suggests analyzing the web page to detect a context for the web page (See Shapira, Abstract; Col.1, lines 27-41); and selecting at least one file representing at least one product related to the detected context (See Shapira, Abstract, Col.1, lines 27-41).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Shapira within the system of Miller with the motivation of allowing an Internet business owner a way to track the value of visitors who visit the web site (See Shapira, Col.2, lines 36-38).

Response to Arguments

6. Applicant's arguments filed on 8/30/07 with respect to claims 46, 49 and 50 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments will be addressed in the order in which they appear in the response filed on 1/10/08.

(A) At pages 2-5 of the 1/10/08 response, Applicant argues that the features in the 1/10/08 amendment are not taught by or suggested by the applied references.

In response, all of the limitations which Applicant disputes as missing in the applied referenceshave been fully addressed by the Examiner as either being fully disclosed or obvious in view of the collective teachings of Miller, Makuch and/or Shapira based on the logic and sound scientific reasoning of one ordinarily skilled in the art at the time of the invention, as detailed in the remarks and explanations given in the preceding sections of the Office Action, and incorporated herein. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981), In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In addition, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference, nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not the applied art teaches dynamic web page generation method and system (7,194,678) and method and apparatus for providing enhanced functionality to product web pages (6,490,602).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S.Gart can be reached on 571-272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vanel Frenel/
Examiner, Art Unit 3687

April 11, 2008